

By: Talarico

H.B. No. 351

A BILL TO BE ENTITLED

AN ACT

relating to air filtration efficiency standards at certain educational and child care facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 5, Health and Safety Code, is amended by adding Chapter 396 to read as follows:

CHAPTER 396. AIR FILTRATION EFFICIENCY STANDARDS AT CERTAIN

EDUCATIONAL AND CHILD CARE FACILITIES

Sec. 396.0001. DEFINITIONS. In this chapter:

(1) "Agency" means the Texas Education Agency.

(2) "Child care facility" has the meaning assigned by Section 88.001.

(3) "Commission" means the Texas Commission on Environmental Quality.

(4) "Executive director" means the executive director of the commission.

(5) "Private school" has the meaning assigned by Section 5.001, Education Code.

Sec. 396.0002. ADOPTION OF RULES. The commission shall adopt rules establishing air filtration efficiency standards for public schools, private schools, and child care facilities in accordance with the recommended best practices for air filtration in schools adopted by the National Air Filtration Association in 2012 or with more recently adopted best practices that the

1 commission determines will better protect public health.

2 Sec. 396.0003. TESTING AND REPLACEMENT OF HVAC SYSTEMS. (a)
3 Each public school, private school, and child care facility in
4 this state shall periodically test and, as necessary, replace a
5 heating, ventilation, and air conditioning system or a component
6 of the system used in any part of the school or facility to meet
7 air filtration efficiency standards that comply with commission
8 rules. Each test of the system must be conducted in accordance
9 with commission rules and any applicable standards adopted by the
10 United States Environmental Protection Agency.

11 (b) Each public school, private school, or child care
12 facility shall perform the testing required under this section at
13 least once each year unless the executive director determines for
14 a specific case that a greater or lesser frequency of testing is
15 necessary or sufficient to ensure public health. This subsection
16 does not prevent a school or facility from conducting more frequent
17 testing than required under this section.

18 Sec. 396.0004. NOTICE OF TESTING RESULTS. (a) Each public
19 school, private school, and child care facility shall:

20 (1) submit to the commission and the agency information
21 on testing conducted under Section 396.0003, including:

22 (A) the date the testing was completed;

23 (B) the location and type of each heating,
24 ventilation, and air conditioning system tested;

25 (C) the results of each test; and

26 (D) any actions taken under Section 396.0003 to
27 replace a heating, ventilation, and air conditioning system or

1 component of the system that does not meet air filtration
2 efficiency standards adopted by the commission under Section
3 396.0002;

4 (2) for the information submitted under Subdivision
5 (1):

6 (A) maintain copies in a suitable location for
7 inspection by the public;

8 (B) post the information on the Internet website
9 of the school or facility; and

10 (C) notify parent, teacher, and employee
11 organizations of the availability of the information; and

12 (3) designate a person to serve as the contact person
13 for communications with the commission, the agency, and the public
14 regarding the testing and replacement activities.

15 (b) If testing conducted under Section 396.0003 reveals a
16 heating, ventilation, and air conditioning system or component of
17 the system that does not meet air filtration efficiency standards
18 adopted by the commission under Section 396.0002, the public
19 school, private school, or child care facility shall provide notice
20 of the test results through written notice, electronic mail, or
21 other means approved by the commission to the teachers, the school
22 or facility personnel, and a parent or legal guardian of each
23 student or child attending the school or facility. The
24 notification must be made within one business day of the receipt
25 of the test results and must include:

26 (1) a summary of the test results and information on
27 the availability of the complete test results for public inspection

1 at a suitable location and on the Internet website of the school
2 or facility;

3 (2) a description of any actions taken under Section
4 396.0003 to replace the system or a component of the system;

5 (3) general information on the public health effects
6 and risks posed by inadequate air filtration systems; and

7 (4) the name and contact information of the person
8 designated under Subsection (a)(3) to communicate with the public.

9 Sec. 396.0005. BIENNIAL REPORT. Not later than December 1
10 of each even-numbered year, the executive director and the agency
11 jointly shall prepare and submit to the governor, the lieutenant
12 governor, the speaker of the house of representatives, and each
13 member of the legislature a written report that includes a summary
14 of the information submitted under Section 396.0004(a)(1) in the
15 preceding two years.

16 SECTION 2. Not later than December 1, 2021, the Texas
17 Commission on Environmental Quality shall adopt rules as necessary
18 to implement Chapter 396, Health and Safety Code, as added by this
19 Act.

20 SECTION 3. Not later than July 1, 2022, each public school,
21 private school, and child care facility shall test and, as
22 necessary, replace a heating, ventilation, and air conditioning
23 system or component of the system as required under Section
24 396.0003, Health and Safety Code, as added by this Act.

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2021.